#### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

IN RE:	
CHRISTOPHER D. WYMAN	
Debtor(s),	
\	ADV. NO:19-03018
SAMUEL D. SWEET, Trustee,	
Plaintiff,	
	CASE NO. 12-32264 CHAPTER 7
<b>v.</b>	
MICHAEL E. TINDALL, Individually and as 100 Barbara Duggan	0% Assignee of
Defendant.	

# CLAIMANT'S NOTICE OF UNRESOLVED AND OUTSTANDING ISSUES

MICHAEL E. TINDALL, (hereinafter "Claimant"), Assignee of all [100%] claims of BARBARA DUGGAN (\$32,240.34); and, an independent party in interest holding a separate secured attorney lien (\$34,100.00/\$21,869.33) against the proceeds of the Realty (hereinafter "allowed secured claim"), and for this NOTICE states:

- On September 6, 2022, following proper notice by show cause order, DE 85, this Court conducted a status conference in this matter to identify outstanding issues remaining following this Court's previous adjournment of all matters.DE 79.
- 2. On September 7, 2022, this Court issued DE 87, ordering Trustee Sweet to file "any supplemental pleadings raising remaining issues" in this case by September 30, 2022.

- 3. In response to that Order, Sweet filed DE 88.
- 4. DE 88 did not address all remaining outstanding issues in this case.
  - A. Defendants expressly refused consent to this Court adjudicating its Counterclaims, which involve "quit essential"

    Stern/Waldman counterclaims upon which this Court lacks constitutional authority, under Article III, to enter final judgment. DE 24, P3; DE 26, P3.
  - B. To that effect, Defendants submitted a Proposed Order. DE 45
  - C. Sweet objected to that Proposed Order. DE 47, 48.
  - D. The resolution of that issue remained outstanding and unresolved at the entry of DE 79; was not addressed by Sweet, as ordered by DE 87; and, remains unresolved to this day.

5. Because this Court lacks constitutional authority to adjudicate
Defendants' Counterclaims, under Stern and Waldman, this Court
may not enter a final judgment in this matter, and must submit
findings of fact and conclusions of law to the district court

MICHAEL E. TIND*K*LL

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Dated: 11/2/22

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## CERTIFICATE OF SERVICE (Modified for PEDUP)

Defendant, in pro per, hereby certifies that

### NOTICE OF UNRESOLVED ISSUES

was submitted for filing through the PEDUP program on November 2, 2022 and will be served on Plaintiff Trustee Sweet by the Clerk's filing through the Court's ECF System on the date and at the time so filed by the Clerk.

Dated: 11/2/2022

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